

DOCKET NO.: IBIS-0401
Application No.: 10/067,017
Office Action Dated: September 27, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

Claims 2-44 are pending. Claims 35 and 36 are indicated as allowable if rewritten in independent form. Claims 2-34, 37-41 and 44 are indicated as allowable if the rejections under 35 U.S.C. § 112, second paragraph, are overcome. Applicants respectfully request entry of amendments to claims 2-36 and 44. The basis for the amendments to claims 2 and 44 can be found, for example, at page 4, line 3 to page 5, line 19, and in existing claims 3, 7, 11, 15, 19, 23, 27, and 31. The amendments to claims 3-36 are stylistic in nature.

Claims 2-34 and 37-44 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Although Applicants do not agree with this allegation, claim 44 is amended, as suggested by the Examiner, in order to further prosecution. Applicants believe that entry of this amendment should render the rejection moot.

Claims 42 and 43 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement. The rejection alleges that the specification does not provide enablement for administering the compositions generally (Final Rejection at pages 5-8). In making this allegation, the Office Action alleges that one would need to determine if any claimed compound would treat every human disease (page 6). Diagnosis is not a step in either of the claims in question. The only steps required to practice claim 42 are (1) obtaining the composition and (2) administering said pharmaceutical composition in a pharmaceutically acceptable manner. Given the skills of one skilled in the art, the steps recited in the rejected claims are clearly enabled by the specification. See, for example, page 15, line 1 to page 30, line 29. Applicants respectfully request reconsideration and withdrawal of the rejection.

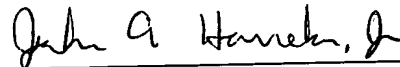
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Applicants believe the foregoing constitutes a full and complete response to the Office Action of record. Applicants respectfully request an early Office Action on the merits.

Respectfully submitted,

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